

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 19, 2004

There were no minutes for this date.

January 20, 2004

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Guzman, bailiff.

**C044337 ALWAN v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and
MEDICAL BOARD OF CALIFORNIA**

Cause called. Michael J. Khouri argued for petitioner. Heidi R. Weisbaum, Deputy Attorney General, argued for Real Party in Interest. Cause submitted.

C040251 THE PEOPLE v. RICHARDSON, et al.

Cause called. Kyle Gee, court appointed counsel, argued for appellant. Susan J. Orton, Deputy Attorney General, argued for respondent Mujeta Richardson. Cause submitted.

C043660 DICKSON, JR. v. REM CON CONSTRUCTION et al.

Cause called. Ted W. Pelletier argued and Richard H. Schoenberger appeared only for appellant. Andre M. Chernay argued for respondent Rem Con Construction. Michele J. Silak argued for respondent DeSilva Gates Construction. Cause submitted.

At 10:56 a.m., the court recessed. The court reconvened at 11:01 a.m., with Scotland, Presiding Justice; Davis, Associate Justice; and Nicholson, Associate Justice.

**C044210 GREENBRIAR HOMES COMMUNITIES, INC. v. THE SUPERIOR COURT OF
SAN JOAQUIN COUNTY and COURIS et al.**

Cause called. Robert D. Infelise argued for petitioner. Stuart B. Esner argued and Lee Jackson appeared only for Real Parties in Interest. Cause submitted.

At 11:37 a.m., the court recessed. At 11:39 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

C041790 THE PEOPLE v. ALLEN, JR.

Cause called. Kevin D. Clymo argued for appellant. Michael Dolida, Deputy Attorney General, argued for respondent. Cause called.

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January 20, 2004, continued

At 12:06 p.m., the court recessed. At 2:03 p.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

C042066 ROBRECHT v. L.K. HOLLENBEAK LOGGING CORPORATION et al.
Cause called. Gay Robercht argued In Pro Per as appellant. Mark D. Norcross argued for respondents. Cause submitted.

At 2:05 p.m., the court recessed. At 2:11 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

C042474 HARRIS v. KAISER PERMANENT MEDICAL GROUP
Cause called. Berehanu H. Challa argued for appellant. Kennedy P. Richardson argued for respondents. Cause submitted.

At 2:36 p.m., the court recessed. At 2:39 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Hull, Associate Justice.

C042189 CASANOVA v. STATE PERSONNEL BOARD et al. and HELMICK, as Commissioner, etc.
Cause called. Richard J. Burton argued for appellant. Marybelle D. Archibald, Deputy Attorney General, argued for Real Party in Interest. Cause submitted.

At 3:05 p.m., the court recessed. At 3:09 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

C041673 BUSHLING v. FREMONT MEDICAL CENTER et al.
Cause called. Michael J. Zinicola argued for appellant. Partick A. Lanius argued for respondent Fremont Medical Center and submitted additional citations. Eric S. Emanuels argued for respondent Caruso. Steven M. McKinley argued for respondent Rossen. Cause submitted.

At 3:09 p.m., the court recessed. At 3:38 p.m., the court reconvened.

C043795 ROSSI v. GRANCHUKOFF
Cause called. Phillip J. Maddux argued for appellant. John David Pereira argued for respondent. Cause submitted.

At 3:55 p.m., the court recessed until 9:30 a.m., on Wednesday, January 21, 2004.

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January 20, 2004, continued

- C040504 THE PEOPLE v. McMURRAY (Not for Publication)**
The judgment is modified... In all other respects the judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
 Morrison, J.
- C041786 THE PEOPLE v. MOORE (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We concur: Morrison, J.
 Robie, J.
- C042312 THE PEOPLE v. HOEFT (Not for Publication)**
The judgment is affirmed.
Raye, J.
We concur: Blease, Acting P.J.
 Morrison, J.
- C042669 LEWIS v. CRAIN (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Sims, Acting P.J.
 Morrison, J.

January 21, 2004

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Nicholson, Associate Justice; and Facey, bailiff.

- C043167 CIBULA v. CIBULA**
Cause called. Susan L. Hornsby argued for appellant. C. Athena Roussos argued and Jay-Allen Eisen appeared only for respondent. Cause submitted.

At 10:00 the court recessed until 9:30 a.m., Friday, January 23, 2004.

- C043520 THE PEOPLE v. FREDRICKS (Not for Publication)**
The appeal is dismissed.
BLEASE, Acting P.J.
We concur: Hull, J.
 Robie, J.

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January 21, 2004, continued

C043935 THE PEOPLE v. SCOTT (Not for Publication)
The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment to reflect that the trial court reserved jurisdiction over victim restitution and to forward a certified copy to the Department of Corrections.

HULL, J.

We concur: Davis, Acting P.J.
 Butz, J.

C044053 THE PEOPLE v. ARECHAR (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.
 Raye, J.

C041238 COLLINS v. DEPARTMENT OF TRANSPORTATION (Certified for Publication)

The opinion in this matter filed on December 24, 2003, is modified...

This modification changes the judgment.

Plaintiff's petition for rehearing is denied.

BLEASE, Acting P.J.

SIMS, J.

NICHOLSON, J.

**C042125 INDEPENDENT ROOFING CONTRACTORS OF CALIFORNIA UNILATERAL
APPRENTICESHIP COMMITTEE v. CALIFORNIA APPRECTICESHIP
COUNCIL and 10 BAY AREA COUNTIES AND SOUTHERN CALIFORNIA
ROOFERS AND WATERPROOFERS JOINT APPRENTICESHIP TRAINING
COMMITTEE et al.**

(Certified for Publication)

THE COURT:

It is ordered that the opinion filed herein on December 22, 2003, be modified...

There is no change in judgment.

The opinion in the above-entitled matter filed on December 22, 2003, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

(Certified for Publication.)

FOR THE COURT:

SCOTLAND, P.J.

DAVIS, J.

NICHOLSON, J.

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January 21, 2004, continued

C043753 PAULSON v. PAULSON (Not for Publication)

The order is affirmed.

BUTZ, J.

We concur: Davis, J.

Raye, J.

C042658 In re ALICIA R.; THE PEOPLE v. ALICIA R. (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Blease, Acting P.J.

Davis, J.

**C042983 BASILIO v. SACRAMENTO COUNTY SUPERIOR COURT, DEPARTMENT 54
and CAMRAY DEVELOPMENT AND CONSTRUCTION COMPANY et al.**

BY THE COURT:

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

January 22, 2004

C044242 MOORE v. THE SUPERIOR COURT OF SUTTER COUNTY and THE PEOPLE (Not for Publication)

Let a peremptory writ of mandate issue, directing the superior court to vacate its May 7, 2003 order finding petitioner ineligible for Proposition 36 probation, and commanding the trial court to enter a new and different order concluding that petitioner's December 2000 or January 2001 felony conviction for assault with intent to commit rape (§ 220) does not disqualify petitioner from Proposition 36 probation. The stay of proceedings in the trial court is dissolved.

NICHOLSON, Acting P.J.

We concur: RAYE, J.

MORRISON, J.

January 23, 2004

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Davis, Associate Justice; and Rios, Bailiff.

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January 23, 2004, continued

C042166 COMITE DE PADRES DE FAMILIA et al. v. O'CONNELL, et al.
Cause called. Cynthia L. Rice argued and Deborah Escobedo appeared only for appellants. Margarita Altamirano, Deputy Attorney General, argued for respondents. Cause submitted.

C041756 MUNOZ v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT et al.
Cause called. Gaspar R. Garcia II argued for appellant. Elisa W. Ungerman argued for respondents. Cause submitted.

C039094 COLEMAN v. DEPARTMENT OF CONSUMER AFFAIRS et al.
Cause called. Patricia Tsubokawa Reeves argued for appellant. Michael W. Pott argued for respondents. Cause submitted.

At 10:44 a.m., the court recessed. The court reconvened at 10:46 a.m., with Blease, Acting Presiding Justice; Sims, Associate Justice; and Davis, Associate Justice.

C042558 BOSSI v. SIERRA NEVADA RECREATION et al.
Cause called. Steven Clair argued for appellant. Joseph A. Salazar, Jr. argued for respondents. Cause submitted.

At 11:07 a.m., the court recessed. The court reconvened at 11:14 a.m., with Sims, Acting Presiding Justice; Davis, Associate Justice; and Robie, Associate Justice.

C041029 SCOTT v. METABOLIFE INTERNATIONAL, INC.
Cause called. Jeffry A. Miller argued for appellant. Sharon Arkin argued for respondent. Cause submitted.

At 11:35 a.m., the court recessed. The court reconvened at 2:03 p.m., with Scotland, Presiding Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

C042593 PACIFIC GAS AND ELECTRIC COMPANY v. DEPARTMENT OF WATER RESOURCES
Cause called. Martin Goyette, Deputy Attorney General, argued and Nancy Saracino, Deputy Attorney General, appeared only for appellants. Lori R. E. Ploeger argued for respondent. Cause submitted.

At 2:26 p.m., the court recessed. The court reconvened at 2:32 p.m., with Blease, Acting Presiding Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

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- C043000 REPUBLIC INDEMNITY INSURANCE COMPANY OF CALIFORNIA v. POTTS**
Cause called. Michael T. Shepherd argued for appellant. Kathleen M. Abdallah argued for respondent. Cause submitted.
- At 2:50 p.m., the court recessed until 9:30 a.m., Monday, January 26, 2004.
- C040921 THE PEOPLE v. WANDICK (Certified for Partial Publication)**
The judgment is affirmed. **(CERTIFIED FOR PARTIAL PUBLICATION.)**
 HULL, J.
We concur: SIMS, Acting P.J.
 DAVIS, J.
- C044505 THE PEOPLE v. DEETS (Not for Publication)**
The judgment is affirmed.
 BUTZ, J.
We concur: DAVIS, Acting P.J.
 HULL, J.
- C043242 BLANTON v. GOZZA (Not for Publication)**
The judgment is affirmed. Defendant shall recover costs on appeal.
(Rule 27(a) Cal. Rules of Court.)
 SIMS, Acting P.J.
We concur: NICHOLSON, J.
 HULL, J.
- C043344 Estate of IRMEN WILLIAM WARD, Deceased. (Not for Publication)**
The judgment is reversed and the case is remanded for further proceedings consistent with this opinion. Dauphinais shall recover his costs on appeal.
 NICHOLSON, J.
We concur: BLEASE, J.
 MORRISON, J.
- C043429 SARA A.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL
C043712 SERVICES v. GERALD A., JR. and MARY A. et al. (Not for Publication)**
The orders of the juvenile court are affirmed.
 HULL, J.
We concur: DAVIS, Acting P.J.
 BUTZ, J.

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C044117 MARTINEZ v. McNABB et al.

(Not for Publication)

The judgment is affirmed. Plaintiff shall recover his costs on appeal.
(Rule 27(a) Cal. Rules of Court.)

SIMS, Acting P.J.

We concur: HULL, J.
 ROBIE, J.